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February 13, 2008

ORDER - February 14, 2008

Hon. Gustave J. DiBianco  
Magistrate Judge  
United States District Court  
Northern District of New York  
100 South Clinton  
Syracuse, New York 13261

Request granted.

  
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Gustave J. DiBianco  
U.S. Magistrate Judge

Re: Grant v. National Board of Medical Examiners  
07-cv-0996 (GJD/TJM)

Dear Honorable Judge DiBianco:

I am writing to provide a status report on this case as requested in the order dated January 25, 2008.

This case was filed and the summons issued September 27, 2007.

By mid October, Ms. Janert Carson, attorney for the National Board of Examiners and I discussed this matter on a couple of occasions. By that date, the Board had, on its own, acquired a copy of the complaint.

After our discussions, On October 27, 2007, Ms. Carson sent a letter to me detailing the position of the National Board and expressing the Board's opinion that the case should be discontinued. I forwarded that letter to the Plaintiff and discussed the facts with Dr. Grant.

Ms. Carson and I discussed this matter on a number of other occasions. On November 27, 2007 Ms. Carson and I discussed this again. At that time, she expressed again the Board's concerns regarding the merits of the case. In that phone conference we discussed the signing of an acknowledgment of the summons.

On January 14, 2008, Ms. Carson and I further discussed the case. She forwarded to me a court order issued on November 29, 2000 which relates to the instant case. On January 18, 2008, I met with Dr. Grant and reviewed that court order with him.

Hon. Judge DiBianco

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The Request for Waiver of Service should have been sent to Ms. Carson soon after we started our discussions. However, I thought it was possible that Dr. Grant might withdraw the complaint.

The Request for Waiver was signed and sent to Ms. Carson on February 4, 2008. It was received by Ms. Carson on February 8, 2008. At this time, the National Board of Medical Examiners is seeking local counsel.

In view of the fact that the National Board of Medical Examiners has had the complaint since October 1, 2007, at the latest, and the ensuing discussions with their counsel, I would appreciate it if the court would grant me an extension of time until March 1, 2008 to effectuate service either through the Acknowledgment of Summons and Waiver already received by Ms. Carson or through traditional service.

Very truly yours,

/s/ Stefan D. Berg, Esq.

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